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December 11, 1992

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Ms. Donna R. Searcy  
Secretary  
Federal Communications Commission  
Washington, D.C. 20554

Re: ET Docket No. 92-9

Dear Ms. Searcy

Transmitted herewith for filing are an original and ten copies of the Comments of Western Tele-Communications, Inc. in response to the Commission's Further Notice of Proposed Rule Making released September 4, 1992, in the above referenced proceeding.

If there are any questions concerning this matter, please contact this office directly.

Sincerely yours,

*Richard H. Strodel* <sub>02 PK</sub>  
Richard H. Strodel

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Enclosures

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Before The  
**Federal Communications Commission**  
Washington, D.C. 20554

**RECEIVED**  
**DEC 11 1992**  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In The Matter Of	)	
	)	
Redevelopment of Spectrum to	)	ET Docket No. 92-9
Encourage Innovation in the	)	
Use of New Telecommunications	)	RM-7981
Technologies	)	RM-8004

**COMMENTS OF WESTERN TELE-COMMUNICATIONS, INC.**

Western Tele-Communications, Inc. (WTCI), by its attorneys, hereby submits its Comments in response to the Commission's Further Notice of Proposed Rule Making (Further Notice) , released September 4, 1992, in the above captioned proceeding. These comments are timely filed pursuant to an Order, released November 24, 1992, extending the time for filing comments to the Further Notice from December 4, 1992 to December 11, 1992.

I. Introduction

As a major common carrier licensee<sup>1</sup>, WTCI is concerned that the proposed accommodation of private fixed microwave users on a co-primary basis in the existing 4, 6 and 11 GHz common carrier bands will unduly restrict common carrier usage of the frequencies and existing

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<sup>1</sup> WTCI provides message, data, video and other communications services to customers, including other major carriers, throughout the Western United States. WTCI operates in excess of 10,000 miles of microwave routes in eleven western states and holds more than 250 licenses in the point-to-point microwave services.

channels in those bands. WTCI's major concern is focused upon the proposed channelization changes for those bands, and WTCI therefore requests revisions and clarifications in a number of the proposed Part 21 Rule changes set forth in Appendix A to the Further Notice. While many point-to-point microwave long distance routes are being supplemented by or converted to fiber optic systems, increasing common carrier frequency usage and scarcity continues in and around major metropolitan areas<sup>2</sup>. Accordingly, the proposed channelization and other changes in Part 21 Rules should not inhibit the expansion of existing common carrier microwave systems or the construction of new systems, and should not otherwise interfere with the ability of common carriers to use the common carrier bands to provide efficient and economical communications services to the public.

## II. Proposed Channelization and Bandwidth Provisions

The Further Notice proposes bandwidth and channelization limitations at the edges of the common carrier 4 and 6 GHz bands for the purpose of accommodating the needs of private microwave users which are to be permitted to use those bands. While WTCI is concerned about frequency congestion in metropolitan areas and probable increased cost to the public resulting from the reduced capacity of common carrier bands, WTCI recognizes that the overall frequency spectrum is fully

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<sup>2</sup> Major metropolitan areas served by WTCI include Kansas City, Missouri, Omaha, Nebraska, Denver, Colorado, Salt Lake City, Utah, Sacramento-San Francisco, California, Portland, Oregon, and Seattle, Washington.

allocated and that steps must be taken to accommodate new and emerging technologies as proposed in this overall proceeding. Thus, if the Rule changes proposed for Parts 21 and 94 in Appendix A are to be promulgated, WTCI strongly recommends that the following changes and revisions in the proposed Rules be adopted.

A. Existing systems should be permitted to expand on existing frequency plans.

In paragraph 32 of the Further Notice where the Commission references the proposed channelization plans in Section 21.701 and 94.65 of the proposed Rules, the Commission acknowledges “that expansion of existing microwave systems should be allowed under current channelization plans without waiver”. However, these or other proposed Rule changes do not contain any reference to such waiver or grandfathering of the right of existing systems to expand on the basis of existing channelizations and future plans.

WTCI therefore requests that a footnote or subsection be added to Section 21.701 of the Rules as follows:

“Frequency and channelization plans of common carrier systems operating in the 4, 6 and 11 GHz bands on \_\_\_\_\_ are grandfathered, and new channels may be added to those systems notwithstanding the channelizations prescribed in the Rules.”

The addition of this provision would carry out the Commission’s intent of permitting “existing microwave systems” to operate and expand “under current channelization plans”. Thus, the purpose of the grandfathering provision would be to enable carriers to use their existing

systems and channelization plans for added or new services without being forced to change frequency plans and/or equipment to meet the new bandwidths and channel limitations proposed by the Further Notice.<sup>3</sup>

B. The alternate channel provision should be amended to permit expansion on existing polarizations.

The Further Notice provides that certain specified “alternate channels” in the 4 and 6 GHz bands be “used only if all other channels are blocked.” See proposed Section 21.701(d)(6) and Section 21.701(e)(6). As presently proposed, a common carrier system operating on, for example, a vertical polarization plan of vertical channels 1, 3, 5 and 7 and horizontal polarization channels 2, 4, 6 and 8 would be required to incur the additional expense of adding horizontal polarization before using channel 7 as part of its expansion from a three channel to a four channel system. The added waveguide and other expenses would not be necessary, however, if the carrier would be permitted to install channel 7 and then channels 2, 4 and 6, leaving channel 8 as the last channel to be installed. Accordingly, WTCI requests that the footnotes in Section 21.701(d)(6) and (e)(6) be changed to read as follows:

1. Alternate channels. These channels are set aside for narrow bandwidth systems and should be used only if all other channels are blocked, provided however that such alternate channels may be used to avoid the adding of the opposite polarization.

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<sup>3</sup> The grandfathering would also include extensions of existing systems to new points of service.

### III. Frequency Coordination - Future Growth

WTCI supports the frequency coordination proposals in the Further Notice to the effect that private microwave users operating in the 4, 6 and 11 GHz common carrier bands are to follow and be bound by the prior coordination procedures set forth in Section 21.100(d) of the Rules, and that common carriers operating in the 6 and 10 GHz private bands would be governed by the frequency coordination procedures of proposed Section 94.63(a) of the Rules. The frequency coordination procedures proscribed by Section 21.100(d) of the Rules have been an outstanding success and have enabled common carrier networks to be constructed and expanded throughout the country with a minimum of controversy and oversight by the Commission. Besides this proliferation of networks, the carriers participating in the process have maintained stringent interference standards and ensured the integrity of their services to the public, contrary to the apparent misconceptions of some of the private microwave users. This frequency coordination process and the resulting cooperation among common carrier licensees and applicants is one of the most exemplary and successful deregulatory efforts undertaken by the Commission.

While maintaining the current frequency coordination procedures in the Rules, the Commission in the Further Notice at paragraph 30 asks for comments as to whether frequency coordinators should establish time limits, such as six months, for the reservation of both channels. This request for comments is somewhat puzzling because Section 21.100(d)(2)(x) of the Rules already contains provisions for

maintaining frequency coordinations beyond six months where steps have not been taken to implement the proposal.

More importantly, the protection of future growth plans and the avoidance of system blockage has been handled very successfully by common carriers and frequency coordinators. The procedures followed by frequency coordinators provide for six month renewal notifications to protect future construction plans and to coordinate any changes in those plans that might have an effect on adjacent carrier operations. See National Spectrum Managers Association (NSMA) Recommendation for future growth plans, Attachment A hereto. There is one exception to the regular six month renewal notification, but that requires compliance with six specific conditions set forth in the Recommendation. Thus, the reservation of future growth channels requires strict compliance with industry adopted notification and coordination procedures, and these procedures have served the industry and the public well over the years and have fostered the development of efficient and economical common carrier networks throughout the country. Accordingly, there is no need for changes in the frequency coordination Rules (Part 21-100(d)) to cover the reservation of future growth channels, and the Commission is correct in not proposing such changes in the Further Notice, Appendix A.

#### IV. The General Proposal

With the exception of the foregoing and its reluctance to have restrictions imposed on the use of the common carrier bands, WTCI supports the proposed Rule changes and absence of such changes set forth in the Further Notice.

A. Frequency interference standards

As set forth above, WTCI supports the Commission's proposal to require private users operating in the common carrier bands to comply with the frequency coordination procedures of Section 21.100(d) of the Rules and conversely requiring common carriers operating in the private carrier bands to follow Section 94.63(a) of the Rules. WTCI also agrees that the frequency interference standards of Part 21 of the Rules should apply to private users in the common carrier bands and those set forth in Part 94 should apply to carriers operating in the private carrier bands.

B. Channel loading and performance standards -- Analog

WTCI concurs with the Commission's proposal to maintain the existing analog loading and performance standards in Part 21 of the Rules. In addition to the stated use by private users of analog transmissions, WTCI and other carriers continue to operate a significant number of analog transmission routes, with WTCI alone operating several hundred miles of analog video routes. Furthermore, WTCI is exploring the possibility of adding digital modems on analog routes, and these routes would still have the characteristics of analog radio systems. The substantial analog system miles confirm that there is no reason to eliminate the loading and performance standards for analog radio systems.

C. Channel loading and performance standards -- Digital

While WTCI operates thousands of route miles of digital message systems and has not experienced any problems relating to



standards, WTCI has no objection to the Commission's proposal in the Further Notice to add loading and performance standards for digital radio systems.

D. General waiver policy

WTCI notes with approval that the Commission in several instances in the Further Notice has indicated that a liberal waiver policy will be followed to accommodate situations occasioned by the proposed new restrictions and limitations on common carrier operations. Because of the multitude of existing systems and considerable equipment on hand, there will be situations where waivers are in order to avoid inefficient or uneconomical carrier operations and to provide the lowest cost service to the public. For example, WTCI in the future in a number of instances will be adding extensions to its trunkline route to serve additional cities and areas. The most economical way of providing such service extensions will be through the use of existing equipment in its inventory which is tuned to its existing frequency and channelization plans. In these types of situations, unless such extensions of existing systems are deemed to be grandfathered, waivers of the proposed bandwidth limitations and channelizations would be warranted and should be readily granted by the Commission.

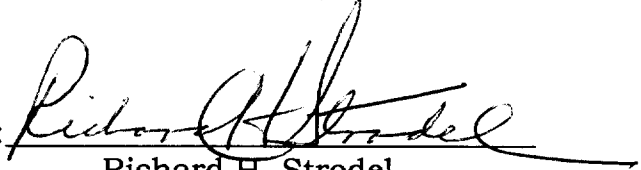
V. Conclusion

As stated above, WTCI is concerned that the changes to Part 21 of the Rules proposed by the Further Notice will inhibit and increase the cost of common carrier services. To reduce the impact of the proposed channelization and bandwidth provisions, WTCI strongly

recommends the adoption of a grandfathering provision, as specified herein (p. 3), to enable existing common carrier point-to-point microwave systems to expand and to add new services under existing channelization plans. WTCI also respectfully requests the Commission, in making any Rule changes, to promulgate revised Part 21 Rules otherwise consistent with its Comments herein.

Respectfully submitted,

WESTERN TELE-  
COMMUNICATIONS, INC.

By:   
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Its Attorney

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December 11, 1992



## **RECOMMENDATION**

**Subject Area:** Notification-Response Procedures

**Title:** Coordination for Future Plans

Section 21.100(d)(11) of the FCC Rules requires coordinators to distribute six-month renewal notices in order to assure continued coordination protection in cases in which no related FCC application has been filed. The Rules also state, in Section 21.100(d), that "Applicants should make every reasonable effort to avoid blocking the growth of systems that are likely to need additional capacity in the foreseeable future." (Note that the limit on the protection of future plans is generally considered to be 10 years).

To avoid any confusion, we believe that six-month renewals are necessary for continuing protection of all future construction plans, including new stations, new uses of frequency bands, new directions of transmission, and any equipment or service modifications which might have an effect on the interference/coordination environment.

One exception to this guideline may be made, and regular six-month renewals would not be necessary under the following conditions:

1. The coordination protection requested involves additional (growth) channels in an existing system;
2. The growth channel parameters, with the obvious exception of channel frequency, are identical to at least one channel licensed and operating on the same path;
3. Absent reasonable justification for doing otherwise, each growth channel should be associated with a specific channel loading. (Note that if there are several licensed channels with multiple loadings, growth channels with different individual loadings may be protected, providing they are each assigned a particular loading.);
4. The coordinator desiring continuing protection (without regular six-month renewals) must have included the specific growth channels in at least one previous PCN;
5. Within six months prior to filing an FCC application to activate a growth channel, an advisory notification should be sent to all other affected coordinators; and
6. If a coordinator drops interest in a growth channel, an advisory notice should be promptly distributed to other affected coordinators.

## CERTIFICATE OF SERVICE

I, Nancy E. Davies, a secretary in the law offices of Haley, Bader & Potts, hereby certify that the foregoing "Comments of Western Telecommunications, Inc." were mailed this date by First Class U.S. Mail, postage prepaid, or were hand-delivered\*, to the following:

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